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TECHNOLOGY CENTER 3800

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In re application of	:	
Gilles Dumont	:	DECISION ON PETITION
Application No. 10/797,806	:	TO RESET A
Filed: March 10, 2004	:	TIME PERIOD

For: ROTARY PLANT GROWING APPARATUS

This is in reply to the Petition to Reset Time Period, received in the Patent and Trademark Office on August 05, 2005. There is no fee required for this petition.

The petition is **GRANTED**.

A Restriction Requirement was mailed on June 28, 2005, setting forth a one-month response period. Petitioner states that the above Office communication was not received until July 25, 2005.

In accordance with MPEP 710.06, the Office will grant a petition to reset the period for reply when the following criteria are met: (A) the petition is filed within two weeks of the date of receipt of the Office action at the correspondence address; (B) a substantial portion of the set reply period had elapsed on the date of receipt (e.g. at least 1 month of a 2- or 3- month reply period had elapsed); and (C) the petition includes (1) evidence showing the date of receipt of the Office action at the correspondence address, and (2) a statement setting forth the date of receipt of the Office action at the correspondence address and explaining how the evidence being presented establishes the date of receipt.

The petition meets all of the above requirements as the petition was filed within two weeks of the date of receipt of the Office communication, a substantial portion of the reply period had elapsed and evidence in the form of the USPTO

envelope having a July 24, 2005 date stamped along the top portion thereof has been provided.

The time period set in the Restriction requirement is therefore reset to run one-month from the postmark date of July 24, 2005. Therefore, the response filed August 10, 2005 is timely and will be forwarded to the examiner for prompt consideration.

**SUMMARY:** The Petition to Reset Time Period is **GRANTED**.



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KJD/rjc: 10/26/05